

1 RICHARD E. WINNIE [68048]
County Counsel
2 By: MARY ELLYN GORMLEY [154327]
Assistant County Counsel
3 Office of County Counsel, County of Alameda
1221 Oak Street, Suite 450
4 Oakland, California 94612
Telephone: (510) 272-6700

5 Attorneys for Respondents County of Alameda,
6 Yolanda Baldovinos, Tracey Fernandez and
Shirley Lee Andrade
7

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION)

11 J.H., A Minor, by his next friend BELINDA
12 KIRK, Mother of J.H., individually and as
next friend,

13
14 Petitioner,

15 v.

16 YOLANDA BALDOVINOS, et al.,

17 Respondents.
18

Case No.: C 10-2507 LHK

**MOTION FOR ADMINISTRATIVE
RELIEF TO FILE CERTAIN
DOCUMENTS UNDER SEAL
CIVIL LOCAL RULE 7-11(a)**

19 Pursuant to Civil Local Rule 7-11(a), Respondent County of Alameda Social
20 Services Agency ("Respondent") hereby requests that the following documents,
21 currently not filed under seal, be retroactively sealed. Respondent further requests
22 leave to file certain documents under seal in the future, without need for a prior motion
23 for administrative relief.

24 The instant action is in essence an appeal from jurisdictional and dispositional
25 orders of the Alameda County Superior Court, Juvenile Division. Throughout the course
26 of these proceedings, certain documents and records have been and will be filed with
27 the Court which will necessarily contain private, privileged, confidential and sensitive

personal information regarding both the minor at the heart of the dispute and members of his immediate and extended families.

While proceedings and records in the district court are open to the public, juvenile dependency proceedings in the State of California generally are not. See, e.g., California Welfare & Institutions Code Section 346, which holds that juvenile court hearings will not be open to the public unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition was filed. See, also, Welfare & Institutions Code Section 827; *In re Gina S.* (2005) 133 Cal.App.4th 1074.

Sound public policy underlies this rule. Restricting public access to juvenile court records safeguards the privacy of minors in order to protect their best interest and control access to juvenile files. *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767, 784. Public policy would be served here by sealing certain records to ensure that in the future the minor's privacy is shielded, and he can enter adulthood confident in the knowledge that his childhood traumas are not accessible by the public.

For all the foregoing reasons Respondent respectfully requests that the following documents, already on file herein, be sealed:

Records to Seal

Docket No.	Title
1	Petition for Writ of Habeas Corpus
4	Amended notice of Removal by J.H.
11	Motion to Appoint Counsel
12	Order to Show Cause
13	Motion for Temporary Restraining Order
14	Amended Emergency Motion for TRO
19	Proposed Order re Amended Motion for TRO

25	Motion for Reconsideration of Motion requesting TRO
30	Respondents' Notice of Motion and Motion to Dismiss and/or Remand
31	Request for Judicial Notice
32	Response to Order to Show Cause by AG
43	Traverse and Opposition to Motions to Dismiss and Request for Judicial Notice
45	Reply Memorandum in Support of Motion to Dismiss and/or Remand
51	Joint Case Management Statement
55	Order Denying Motion to Dismiss in Part, Remanding in Part, and Dismissing Certain Respondents
62	Joint Case Management Conference Statement

Respondent further respectfully requests Court permission to file documents under seal in the future if those documents contain references to the minor's or others' private, privileged, confidential and/or sensitive personal information.

DATED: December 16, 2010

RICHARD E. WINNIE, County Counsel
in and for the County of Alameda, State
of California

By /s/ Mary Ellyn Gormley
MARY ELLYN GORMLEY
Assistant County Counsel

Attorneys for Respondents County of
Alameda, Yolanda Baldovinos, Tracey
Fernandez and Shirley Lee Andrade